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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

APR 03 2003

Herron et al.

TECH CENTER 1800/2900

Serial No.: 09/839,778

Filed: April 20, 2001

For: DIAGNOSTIC DEVICE AND
METHOD

Confirmation No.: 3373

Examiner: G. Gabel

Group Art Unit: 1641

Attorney Docket No.: 0274.02-3278.1US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 24, 2003

Date

Signature

Deidra Pfeil

Name (Type/Print)

RESPONSE TO NOTICE TO COMPLY

Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is in response to the Notice to Comply which was mailed on February 24, 2003, the one-month shortened statutory period for response to which expired on March 24, 2003.

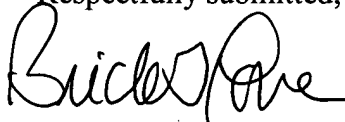
The Notice to Comply indicates that the above-referenced application fails to comply with the requirements of 37 C.F.R. § 1.821-1.825 for failing to include a Sequence Listing.

In reviewing the specification of the above-referenced application, the undersigned attorney could not locate any nucleic acid sequences or peptide sequences to warrant the requirement of a Sequence Listing.

Therefore, it is respectfully submitted that there is no need to file a Sequence Listing in the above-referenced application and, accordingly, that the Office withdraw the requirement to file a Sequence Listing.

In the event that the Office has identified some nucleic acid or peptide sequence in the specification that the undersigned attorney has not been able to find, which should be included in a Sequence Listing, identification of the location where such a sequence appears would be appreciated.

Respectfully submitted,



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Date: March 24, 2003

BGP/djp